

Fill in this information to identify your case:

United States Bankruptcy Court for the:
NORTHERN DISTRICT OF GEORGIA

Case number (if known) 23-56237 Chapter 7

FILED IN CLERK'S OFFICE
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

2023 JUL -3 AM 8:36

VANIA S. ALLEN
CLERK

BY: JULIA M. Check if this an
amended filing
DEPUTY CLERK

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	AUBYN INVESTMENT, LLC		
2. All other names debtor used in the last 8 years	Include any assumed names, trade names and doing business as names		
3. Debtor's federal Employer Identification Number (EIN)	47-1154816		
4. Debtor's address	Principal place of business 7765 Haynes Park Circle Lithonia, GA 30038 Number, Street, City, State & ZIP Code	Mailing address, if different from principal place of business 5424 Savoy Chase Crossing Drive Lithonia, GA 30038 P.O. Box, Number, Street, City, State & ZIP Code	Location of principal assets, if different from principal place of business Number, Street, City, State & ZIP Code
5. Debtor's website (URL)			
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify: _____		

Debtor

AUBYN INVESTMENT, LLC

Name

Case number (if known)

7. Describe debtor's business**A. Check one:**

Health Care Business (as defined in 11 U.S.C. § 101(27A))
 Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
 Railroad (as defined in 11 U.S.C. § 101(44))
 Stockbroker (as defined in 11 U.S.C. § 101(53A))
 Commodity Broker (as defined in 11 U.S.C. § 101(6))
 Clearing Bank (as defined in 11 U.S.C. § 781(3))
 None of the above

B. Check all that apply

Tax-exempt entity (as described in 26 U.S.C. §501)
 Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
 Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

Chapter 7
 Chapter 9
 Chapter 11. **Check all that apply:**

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
 The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
 A plan is being filed with this petition.
 Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
 The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
 The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

If more than 2 cases, attach a separate list.

No.
 Yes.

District	Georgia Northern District	When	8/31/15	Case number	15-66636-mgd
District		When		Case number	

Debtor AUBYN INVESTMENT, LLC

Name _____

Case number (if known) _____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

No
 Yes.

List all cases. If more than 1, attach a separate list

Debtor _____ Relationship _____
 District _____ When _____ Case number, if known _____

11. Why is the case filed in this district? Check all that apply:

Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
 A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other _____

Where is the property? _____

Number, Street, City, State & ZIP Code _____

Is the property insured?

No

Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

1-49
 50-99
 100-199
 200-999

1,000-5,000
 5,001-10,000
 10,001-25,000

25,001-50,000
 50,001-100,000
 More than 100,000

15. Estimated Assets

\$0 - \$50,000
 \$50,001 - \$100,000
 \$100,001 - \$500,000
 \$500,001 - \$1 million

\$1,000,001 - \$10 million
 \$10,000,001 - \$50 million
 \$50,000,001 - \$100 million
 \$100,000,001 - \$500 million

\$500,000,001 - \$1 billion
 \$1,000,000,001 - \$10 billion
 \$10,000,000,001 - \$50 billion
 More than \$50 billion

16. Estimated Liabilities

\$0 - \$50,000

\$1,000,001 - \$10 million

\$500,000,001 - \$1 billion

Debtor

AUBYN INVESTMENT, LLC

Name

Case number (*if known*)

\$50,001 - \$100,000
 \$100,001 - \$500,000
 \$500,001 - \$1 million

\$10,000,001 - \$50 million
 \$50,000,001 - \$100 million
 \$100,000,001 - \$500 million

\$1,000,000,001 - \$10 billion
 \$10,000,000,001 - \$50 billion
 More than \$50 billion

Debtor

AUBYN INVESTMENT, LLC

Name

Case number (*if known*)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2023

MM / DD / YYYY


Dave Fairclough
Signature of authorized representative of debtor

Dave Fairclough

Printed name

Title Member

18. Signature of attorney

X

Signature of attorney for debtor

Date June 30, 2023

MM / DD / YYYY


Printed name


Firm name


Number, Street, City, State & ZIP Code

Contact phone 

Email address 

Bar number and State

**United States Bankruptcy Court
Northern District of Georgia**

In re **AUBYN INVESTMENT, LLC**

Debtor(s)

Case No.
Chapter

7

VERIFICATION OF CREDITOR MATRIX

I, the Member of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: June 30, 2023


Dave Fairclough
Dave Fairclough/Member
Signer/Title

Clearspring Loan Services
18451 N. Dallas Parkway
Suite 100
Dallas, TX 75287

Posinelli
1201 West Peachtree Street
Suite 1100
Atlanta, GA 30309

Rubin, Lublin, LLC
3740 Davinci Court
Suite 150
Norcross, GA 30092

Toorak Capital Partners LLC

Case Number:23-56237

Name: AubynInv Chapter: 7 Division: Atlanta

Please submit the following original documents to the Court for filing so that the case will proceed timely. Failure to comply may result in the dismissal of your case.

If filing bankruptcy without an attorney, please read the information regarding *Filing Bankruptcy without an Attorney* at: www.uscourts.gov/services-forms/bankruptcy/filing-without-attorney.

Individual - Series 100 Forms

Non-Individual - Series 200 Forms

Official and Local Bankruptcy Forms are available on the Court's website at: www.ganb.uscourts.gov.

MISSING DOCUMENTS DUE WITHIN 7 DAYS

- Complete List of Creditors (names and addresses of all creditors)
- Pro Se Affidavit (signature must be **notarized**, or **witnessed** by a Court Intake Clerk, accompanied by a picture I.D.)
- Signed Statement of SSN

Petition Deficiencies:

- Last 4 digits of SSN
- Address
- Statistical Estimates
- Other:

MISSING DOCUMENTS DUE WITHIN 14 DAYS

- Statement of Financial Affairs
- Schedules: A/B D E/ F G H (*separate household of Debtor 2*)
- Summary of Assets and Liabilities
- Declaration About Debtor(s) Schedules
- Attorney Disclosure of Compensation
- Petition Preparer's Notice, Declaration and Signature (*Form 119*)
- Disclosure of Compensation of Petition Preparer (*Form 2800*)
- Chapter 13 Current Monthly Income
- Chapter 7 Current Monthly Income
- Chapter 11 Current Monthly Income
- Certificate of Credit Counseling (*Individuals only*)
- Pay Advices (*Individuals only*) (2 Months)
- Chapter 13 Plan, complete with signatures (*local form*)
- Corporate Resolution (*Non-Individual Ch. 7 & 11*)

Case filed via:

- Intake Counter by:
 - Attorney
 - Debtor
 - Other: Dave Fairclough
- Mailed by:
 - Attorney
 - Debtor
 - Other:
- Email [Pursuant to Amended and Restated General Order 45-2021, this document was received for filing via email.]

MISSING DOCUMENTS DUE WITHIN 30 DAYS

- Statement of Intent – Ch.7 (*Individuals only*)

History of Case Association

Prior cases within 2 years:

Signature: _____
Acknowledgment of receipt of Deficiency Notice
JM

Ch.11 Business

- 20 Largest Unsecured Creditors
- List of Equity Security Holders
- Small Business - Balance Sheet
- Small Business - Statement of Operations
- Small Business - Cash Flow Statement
- Small Business - Federal Tax Returns

FILING FEE INFORMATION

Online Payment for Filing Fee <https://www.ganb.uscourts.gov/online-payments> (not for chapter 13 plan payments)

- Paid \$ _____
- Pending Pay.Gov, Paid \$ _____
- IFP filed (Ch.7 Individuals Only)
- 2g-Order Granting 3g-Order Granting 10-day (initial payment of \$ 78 due within 10 days)
- 2d-Order Denying with filing fee of \$ _____ due within 10 days
- No Application to Pay in Installments, Order Regarding Unpaid Case Filing Fee.

You may mail documents and filing fee payments (no personal checks or cash accepted) to the address below.
All fee payments and documents filed with the Court must show the debtor's name and bankruptcy case number.

UNITED STATES BANKRUPTCY COURT
75 Ted Turner Drive, SW, Room 1340
Atlanta, Georgia 30303
404-215-1000

Case Number:23-56237

Name: AubynInv Chapter: 7 Division: Atlanta

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- Chapter 13 Current Monthly Income
- Chapter 7 Current Monthly Income
- Chapter 11 Current Monthly Income
- Certificate of Credit Counseling (*Individuals only*)
- Pay Advices (*Individuals only*) (*2 Months*)
- Chapter 13 Plan, complete with signatures (*local form*)
- Corporate Resolution (*Non-Individual Ch. 7 & 11*)

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Ch.11 Business

- 20 Largest Unsecured Creditors
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- Small Business - Statement of Operations
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UNITED STATES BANKRUPTCY COURT

75 Ted Turner Drive, SW, Room 1340

Atlanta, Georgia 30303

404-215-1000